

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Vermillion School District  
Accountability Review - Monitoring Report 2012-2013**

**Team Members:** Linda Shirley Team Leader; Bev Petersen, Transition Liaison; Becky Cain, Special Education Programs; Tim Frewing, Diane Reyelts, Brenda Boyd, Education Specialists

**Dates of On Site Visit:** October 30, 31, 2012

**Date of Report:** November 16, 2012

**All non-compliance must be corrected within 1 year of this report date.**

**Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

#### **GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD: 24:05:24:01. Referral.** Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following: (1) Referral through screening; (2) Referral by classroom teacher; (3) Referral by other district personnel; (4) Referral by other public or private agencies; and (5) Referral by private schools, including religious schools.

#### **Corrective Action:**

<b><u>Prong 1: Correct each individual case of noncompliance</u></b>		
<b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 1: This student was reported on child count under the category of Speech/Language (550). There was not a referral found for this student at the time of the initial evaluation on 11/9/11.	The district will review their process and procedures for referrals for students being considered for evaluation for special education.	The district will send a written document with their process and procedures for referrals.
Date Data Submitted:		
Status:		

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ul style="list-style-type: none"> <li>District procedure for referral.</li> </ul>
<b>Data To Be Submitted:</b> 1. Referral document for 2 students who are initial, transitioning from Part C to Part B, or a transfer student.
<b>Target Date for Completion: May 1, 2013</b>
<b>Date - Status Report:</b>

**ARSD 24:05:25:04.03. Determination of eligibility.** Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

<b>Prong 1: Correct each individual case of noncompliance</b> <b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 5: This student was reported on child count under the category of Other Health Impaired (555). There was no documentation of an acute or chronic health problem to support the category of eligibility.	The district must acquire consent to conduct additional evaluation to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. There must be a copy of all evaluation reports, prior notices and an MDT. The IEP will be amended if needed.	1. The prior notice/consent for evaluation 2. Copies of <b>all</b> the evaluation reports including skill based assessment and documentation of medical records. 3. Copy of the prior notice for the eligibility/IEP meeting

		4. MDT 5. IEP
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<p>Student File # 14: This student was reported on child count under the category of Traumatic Brain Injury (565). No medical records of documentation of brain injury were found in the student's file. The student's is also taking the alternate assessment and there were no short term objectives for fine motor skills.</p>	<p>The student is due for a three year re-evaluation by 1/13/2013. The district must acquire consent to conduct evaluations to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. Evaluation reports must be written and copies provided to parents. The IEP team must meet to determine eligibility, and write a new IEP to reflect current evaluation and eligibility data.</p>	<ol style="list-style-type: none"> <li>1. The prior notice/consent for evaluation</li> <li>2. Copies of <b>all</b> the evaluation reports including skill based assessment and documentation of medical records.</li> <li>3. Copy of the prior notice for the eligibility/IEP meeting</li> <li>4. Copy of the MDT/eligibility document and;</li> <li>5. Copy of the IEP</li> </ol>
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
<p>Student File # 13: This student was reported on child count under the category of Other Health Impaired (555). There was no documentation of an acute or chronic health problem in the file. There were no skill based assessments completed for behaviors, or written language. In the consideration of special factors behavior impedes learning did not address positive interventions and</p>	<p>The district must acquire consent to conduct additional evaluation to ensure a comprehensive evaluation is completed for each category of suspected disability for each student. Skill based assessments must be given for each area the student qualifies for. Evaluation reports must be written and copies provided to parents. The IEP team must meet to determine eligibility and amend the current IEP, or write a new IEP to reflect current evaluation and</p>	<ol style="list-style-type: none"> <li>1. The prior notice/consent for evaluation</li> <li>2. Copies of <b>all</b> the evaluation reports including skill based assessment and documentation of medical records.</li> <li>3. Copy of the prior notice for the eligibility/IEP meeting</li> <li>4. Copy of the MDT/eligibility document if needed and;</li> </ol>

supports for the student. Description of services stated reading comprehension 20 minutes a day and listening comprehension 20 minutes a day. There are no goals or strengths and needs in the present levels of performance for either of these areas.	eligibility data.	5. Copy of the IEP
Date Data Submitted: Status:		

Student:	Required Action:	Data To Be Submitted:
Student File #7: This student was reported on child count under the category of Deafness (545). There is no documentation of determination of eligibility. The description of special education services for the student only lists Speech/Language and does not list specific areas in the Early Childhood setting.	The team will meet and complete a determination of eligibility document for the student. A new IEP will be written or an addendum on the current IEP to show description of special education services.	<ol style="list-style-type: none"> <li>1. Copy of the prior notice for the eligibility meeting/IEP meeting</li> <li>2. MDT</li> <li>3. Copy of the IEP or Addendum</li> </ol>
Date Data Submitted: Status:		

<b><u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<p><b>Required Action:</b></p> <p>The district must review and update its policy, procedure and practice regarding the following:</p> <ul style="list-style-type: none"> <li>• Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.</li> <li>• Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.</li> <li>• Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.</li> <li>• Determining eligibility and completing the eligibility documents.</li> <li>• Developing an IEP that provides educational benefit.</li> </ul> <p>The district will receive technical assistance regarding these issues noted in this report.</p>

<p><b>Data To Be Submitted:</b></p> <p>Each teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:</p> <ol style="list-style-type: none"> <li>1. Referral document if applicable</li> <li>2. The prior notice/consent for evaluation</li> <li>3. Copies of <u>all</u> the evaluation reports including skill based assessment and transition if applicable</li> <li>4. Copy of the prior notice for the eligibility/IEP meeting/transfer</li> <li>5. Copy of the MDT/eligibility document and;</li> <li>6. Copy of the IEP</li> </ol> <p>The training date, instructor and participants will be documented and submitted to the team leader to verify technical assistance was provided.</p> <p><b>Target Date for Completion: May 2013</b></p> <p><b>Date - Status Report:</b></p>
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**ARSD 24:05:27:01.02. Development, review, and revision of individualized education program.** In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

- (1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student: (a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

<p><b>Prong 1: Correct each individual case of noncompliance</b></p> <p><b>Timeline for Completion: (50) calendars day from the report date listed above.</b></p>		
<p>Student File s# 4, 6: These students were reported on child count under the category of Other Health Impaired (555). On the consideration of special factors section.</p>	<p><b>Required Action:</b></p> <p>The IEP team will meet and amend the IEP to show the behaviors that are impeding learning and list positive behavioral interventions and supports for the students.</p>	<p><b>Data To Be Submitted:</b></p> <ol style="list-style-type: none"> <li>1. IEP meeting notice</li> <li>2. IEP addendum documentation</li> <li>3. Prior notice for the meeting.</li> </ol>

Behaviors impede learning was checked; however there were no positive behavioral interventions or supports listed.		
Date Data Submitted: Status:		

<b><u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ul style="list-style-type: none"> <li>Developing an IEP that provides educational benefit.</li> </ul>
<b>Data To Be Submitted:</b> <ol style="list-style-type: none"> <li>Copy of the prior notice for IEP meeting for a student whose behavior impedes learning</li> <li>Copy of the IEP</li> </ol>
<b>Target Date for Completion: May 2013</b>
<b>Date - Status Report:</b>

<b><u>Prong 1:</u> Correct each individual case of noncompliance</b>		
<b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
Student Files 3, 18: These student were reported on child count under the category of #18 (570) Development Delay; direct services were not broken down putting math, reading together. #3 (525) Specific Learning Disability; No direct instruction was listed for this student in the area of disability.	<b>Required Action:</b>  The IEP team will meet and amend the IEP to show direct instruction broken down into specific skill areas in the areas of disability.	<b>Data To Be Submitted:</b> <ol style="list-style-type: none"> <li>IEP meting notice</li> <li>IEP addendum documentation</li> <li>Prior notice for the meeting.</li> </ol>
Date Data Submitted: Status:		

<b><u>Prong 2:</u> Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>		
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ul style="list-style-type: none"> <li>• Developing an IEP that provides educational benefit.</li> </ul> The district will receive technical assistance regarding these issues noted in this report.		
<b>Data To Be Submitted:</b>  The teachers who are case managers for the students listed will submit 1 new document of the following: <ol style="list-style-type: none"> <li>1. Copy of the prior notice for IEP meeting for a student</li> <li>2. Copy of the IEP</li> </ol>		
<b>Target Date for Completion: May 2013</b>		
<b>Date - Status Report:</b>		

<b><u>Prong 1:</u> Correct each individual case of noncompliance</b>		
<b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
Student File # 10: This student was reported on child count under the category of Specific Learning Disability (525) being eligible in the areas of math, reading, and written expression; In the Present Levels of Academic Achievement and Functional Performance (PLAAFs) The student has reading weaknesses, but no strengths in the area of reading. The student has goals for written expression, but no weaknesses in written expression on the PLAAFs. The student also has a goal for written expression and no direct services listed.	<b>Required Action:</b>  The IEP team will meet and develop a new IEP or amend the IEP to show correct content in the areas of PLAAFs, and providing direct services for students.	<b>Data To Be Submitted:</b>  <ol style="list-style-type: none"> <li>1. IEP meting notice</li> <li>2. IEP documentation</li> <li>3. Prior notice for the meeting</li> </ol>



Date Data Submitted:  
Status:

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The district must review and update its policy, procedure and practice regarding the following:

- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues noted in this report.

**Data To Be Submitted:**

The teacher who is case managers for the student listed will submit 1 new document of the following:

1. Copy of the prior notice for IEP meeting for a student
2. Copy of MDT (used to verify eligible areas)
3. Copy of the IEP

**Target Date for Completion: May 2013**

**Date - Status Report:**

**ARSD 24:05:22:03 Certified child**

A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**Prong 1: Correct each individual case of noncompliance**

**Timeline for Completion: (50) calendars day from the report date listed above.**

Student Files # 7, 20, 21, 23, 24, 25: These students were reported on child count under the disability categories of Speech/Language, Specific Learning Disability, or Other Health Impaired (550, 525,555). The December 1, 2011 child count did	<b>Required Action:</b> <ol style="list-style-type: none"> <li>1) The district must develop child count procedures to assure accurate child count information is submitted to the Office of Data Collection</li> </ol>	<b>Data To Be Submitted:</b> <ol style="list-style-type: none"> <li>1) A copy of the procedures must be submitted to SEP.</li> </ol>
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not report accurate information on eligible children to the Office of Data Collection. Each of these students qualified under a different category than listed on the child count. Students # 26, 27 were not on an active IEP on Dec. 11, 2011, but were reported to the Office of Data Collection for the December 2011 child count.		
Date Data Submitted: Status:		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following:  Reporting correct data on child count to the Data Collection of South Dakota
<b>Data To Be Submitted:</b> 1) The district must submit the IEP cover page for all students on their December 1, 2012 child count to SEP.
<b>Target Date for Completion: May 1, 2013</b>
<b>Date - Status Report:</b>

### OPTIONAL

<b>Prong 1: Correct each individual case of noncompliance</b> Through a review of student files, data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration or documented appropriately.		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
# 4,10,29,31,32	Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance. <b>Activity/Procedure:</b>	The district will collect and submit to SEP the following data: 1. Written description of the districts review process

	1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.	to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.
<b>Timeline for Completion: March 15th, 2013</b>		

<b><u>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</u></b>
<b>Required Action:</b> Implement policy/procedure/practice identified in Prong #1.
<b>Data To Be Submitted:</b> Data submitted for Prong #1 will be used to verify correction.
<b>Target Date for Completion:</b>
<b>Date - Status Report:</b>

### **State Performance Plan – Performance Indicators**

#### **Reading:**

**C) Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?**

**Grades K –8**

**State Target 69% or higher**

**District Rate: 50.00%**

*District Response: No, the district did not meet the target. Rtl in Reading at the elem level is in its third year in which all students and teachers participate. Staff works closely together to offer a variety of programs, resources and instructional strategies to impact steady progress and student achievement. All teachers in special education are also highly qualified, and they work diligently to meet the needs of each student. Although some level of progress is indicated through a review of the IEP goals/target skills, the district shall continue its efforts with integrity and high expectations.*

**Indicator 8: Parent involvement:** percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count)

**State Target 64.2 or higher**

**District Rate: 88.40%**

District Response: *Yes, the district met the target. Staff tries their very best to build positive working relationships with the parents by keeping them informed and maintaining open communications. Any information about trainings, in-service activities, conferences are forwarded on to parents, an online parent portal is available to all parents to check grades and assignments any time, and teachers/parents have contact easily by phone and email.*